

Application No. 10/804,719

REMARKS

Claims 1, 4-14, 17-19, 28 and 31-33 are pending; and claims 1, 4, 5, 7-14, 17, 18, 28 and 31 and 32 stand rejected. Claims 6, 19, and 33 are objected to. Claims 1, 11, and 28 have been amended. Support for the amendments can be found throughout the application, for example, in the claims as originally filed, at page 3, lines 1-5; page 8, lines 16-24; and page 21, lines 15-23.

The specification has been amended to provide current status of a reference application. No new matter is added hereby.

Rejection Under 37 U.S.C. §112

The Examiner rejected claims 1, 4, 5, 7-14, 17, 18, 28, 31, and 32 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserted that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The Examiner noted that claims 1, 11, and 28 recited a charge transport compound material having the formula  $Y=N-N=X=N-N=Y'$ , where  $Y$  and  $Y'$  comprise, each independently, a 9-fluorenylidene group; and "X" comprises a 1,2-ethanediylidene group, a 1,4-phenylenedimethylidyne group, a 2,4-cyclohexadienyldiene group, a 2,5-cyclohexadienyldiene group, a bicyclohexylidene-2,5,2',5'-tetraene group, a bicyclohexylidene-2,4,2',4'-tetraene group, a  $(C_6R_1R_2R_3R_4)_n$  group or a combination thereof, where the  $C_6$  group is a cyclohexadienyldene group with substituents  $R_1R_2R_3R_4$ .

The Examiner asserted that the originally filed specification does not provide an adequate written description of the charge transport material recited in the instant claims. The Examiner asserted that the originally filed specification discloses a formula (1)  $Y=N-N=X=N-N=Y'$ , where  $Y$  and  $Y'$  comprise, each independently, a 9-fluorenylidene group; and "X" is a

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conjugated linking group that allows the delocalization of the pi electrons in Formula (1) over at least Y and Y', such as a 1,2-ethanediylidene group, a 1,4-phenylenedimethylidyne group, a 2,4-cyclohexadienylidene group, a 2,5-cyclohexadienylidene group, a bicyclohexylidene-2,5,2',5'-tetraene group, a bicyclohexylidene-2,4,2',4'-tetraene group, or a combination thereof. (Page 3, lines 1-5; page 8, lines 16-21; and page 21, lines 15-20; originally filed claims 1, 11, and 28). The Examiner asserted that the instant claims do not require that X be "a conjugated linking group that allows the delocalization of the pi electrons in Formula (1) over at least Y and Y'". Further, the Examiner asserted that the description of "X" in the instant amended claims is broader than the originally filed description of "X" because it includes non-conjugated linking groups that do not allow the "delocalization of the pi electrons in Formula (1) over at least Y and Y'."

Claims 1, 11, and 28 have been amended to specify that X is a conjugated linking group that allows the delocalization of the pi electrons in the subject formula. Support for the amendments can be found throughout the application, for example, in the claims as originally filed, at page 3, lines 1-5; page 8, lines 16-24; and page 21, lines 15-23. Reconsideration and withdrawal of the rejection of claims 1, 11, and 28 under 35 U.S.C. §112, first paragraph, are respectfully requested.

Further, the Examiner asserted that the originally filed specification does not provide an adequate written description for "X" in the formula recited in instant claims 1, 11, and 28 to be in combination of the  $(C_6R_1R_2R_3R_4)_n$  group with the other five members of the Markush group recited in instant claims 1, 11, and 28. Claims 1, 11, and 28 have been amended to clarify the relationship of the  $(C_6R_1R_2R_3R_4)_n$  group and the other five members of the Markush group. Reconsideration and withdrawal of the rejection of claims 1, 11, and 28 under 35 U.S.C. §112, first paragraph, are respectfully requested.

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Double Patenting

The Examiner has withdrawn allowability of the charge transport material of the formula recited in originally filed claims 2, 16, and 29, where "X" comprises a member of the Markush group recited in those claims, as set forth in the Office Action mailed on May 31, 2006, paragraph 20. Upon further review of copending U.S. Application No. 10/900,785, the Examiner deems that the subject matter claimed in U.S. Application No. 10/900,785 renders obvious the subject matter recited in those claims. Therefore, claims 1, 5, 8, 9, 11-14, 18, 28, and 32 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 and 35-42 of copending Application No. 10/900,785. Further, claims 7 and 10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 and 35-42 of copending Application 10/900,785 in view of Diamond, Handbook of Imaging Material, pp. 395-396.

Applicants note that claims 1, 5, 8, 9, 11-14, 18, 28, and 32, and claims 7 and 10, are *provisionally rejected* under the judicially created doctrine of obviousness-type double patenting. Therefore, because the rejection is provisional, Applicants defer submitting a response at this time and reserve the right to respond to the rejection at some future time.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Paul B. Savereide  
Registration No. 36,914

Customer No. 24113  
Patterson, Thuente, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (612) 252-1550